

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

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CRM-M-627-2022

Date of decision : 18.01.2022

SANJAY ALIAS KALU

..... Petitioner

VERSUS

STATE OF HARYANA

..... Respondent

CORAM : HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present :- Ms. Veena Hooda, Advocate
for the petitioner.

Mr. Karan Garg, AAG, Haryana.

(Through video conferencing)

Harsimran Singh Sethi, J. (Oral)

The present petition has been filed under Section 439 Cr.P.C. for the grant of regular bail to the petitioner in respect of FIR No.497 dated 21.12.2020 under Section 22 (c) of NDPS Act, registered at Police Station Sadar Fatehabad, District Fatehabad.

Learned counsel for the petitioner submits that apart from the disclosure statement of the co-accused, nothing has come on record to relate the petitioner with the allegations alleged. She further submits that the disclosure statements carry no value keeping in view the settled principle of law and therefore, as nothing has come against the petitioner, the petitioner may kindly be extended the concession of regular bail during the pendency of the trial as the trial is likely to take some time before it concludes keeping in view the pandemic of Covid-19.

Learned State counsel on instructions from ASI Kuldeep Singh concedes the factum that as of now, except the disclosure statement of the

co-accused that the contraband was being purchased from the petitioner, nothing has come on record to substantiate that fact. Learned State counsel also submits that the petitioner in his disclosure statement had also conceded the factum of supplying the contraband, hence it cannot be said that the petitioner is innocent.

I have heard learned counsel for the parties and have gone through the record with their able assistance.

Once, it is a conceded position that nothing incriminating has been recovered from the petitioner and the petitioner has been roped in on the basis of the disclosure statement of the co-accused and during the investigation also, nothing has come on record to corroborate the said disclosure statement except the disclosure statement of the petitioner himself, no useful purpose will be achieved in keeping the petitioner behind the bars during the entire period of trial especially when the petitioner has undertaken before this Court not to influence the witness or the trial in any manner in case, the petitioner is extended the concession of regular bail.

Without commenting upon the merits of the case, it is directed that the petitioner be released on regular bail, subject to the satisfaction of trial Court/Duty Magistrate concerned.

However, it is made clear that anything observed herein shall not be construed to be an expression of any opinion on the merits of the case as the innocence or guilt of the petitioner will be decided by the trial Court on the basis of complete evidence which will come on record.

(HARSIMRAN SINGH SETHI)
JUDGE

18.01.2022

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Whether speaking/reasoned
Whether Reportable :

Yes
No